

REMARKS

Claims 1 – 25 were examined by the Examiner and were rejected. In response, Applicants are submitting the following remarks to distinguish the present invention from the prior art of record. In view of the following remarks, Applicants respectfully request reconsideration of the application.

Rejection Under 35 U.S.C. § 112, Second Paragraph

In Paragraph 5 of the Office Action, Examiner rejected claims 1-21 and 23-24 under 35 U.S.C. § 112, second paragraph. Specifically, the Examiner stated that a term in a claim may not be given a meaning repugnant to the usual meaning of that term and that the term “marketing location” in claims 1, 23-24 is used by the claim to mean “marketing object placeholder,” while the accepted meaning is “place for marketing, e.g., selling, a piece of merchandise.” As to claims 1, 23-24 Applicants have amended these claims to overcome Examiner’s rejection by deleting the term “marketing” in front of the term “location.” Applicants’ amendment is by no means to narrow the scope of the claim because Applicants could argue that the claim should be allowable without amendment, but have decided to amend the claim for clarity. Applicants further submit that this amendment in fact broadens the scope of independent claims 1, 23-24. As such, Applicants believe they are in compliance with 35 U.S.C. § 112, second paragraph for claims 1-21 and 23-24 and request that this rejection be withdrawn.

Rejection Under 35 U.S.C. § 102

In paragraph 8 of the Office Action, the Examiner rejected claims 1-9, 13-17, 21, and 23-25 under 35 U.S.C. § 102(e) as being anticipated by Gever et al. (US Patent No. 6,313,835 B1). Applicants respectfully traverse.

Amended independent claim 1 recites displaying a marketing object container, said marketing object container including a location for receiving at least one marketing object to be presented in said marketing container to a user of an interactive medium, associating a marketing attribute with the marketing object container, and selecting at least one marketing object for being associated with the marketing object container. In contrast, Gever et al. does not teach associating a marketing attribute with the marketing object container. Gever et al. discloses only “assigning conditional values to the attributes of the animation sequence” (column 2, lines 26-35) whereby “the user is able to change at least some of the attributes such as color, texts, fonts, characters, borders, sounds, embedded pictures and models” (column 2, lines 10-20). The attributes that Gever et al. discloses are graphical attributes and are not analogous to the marketing attributes such as described in the present invention. Examples of marketing attributes as defined in the specification are what marketing objects can be received by the marketing object container, the relationship of a particular marketing object container to other marketing object containers, and the timing and priority of the display of marketing objects. (Specification, pages 15-16) Gever et al. makes no mention of associating a non graphical attribute with the marketing object container. Gever et al. therefore fails to teach each and every one of the recited elements of amended independent claim 1, and this failure precludes Gever et al. from anticipating amended independent claim 1.

Referring to claims 2-9 and 13-17, claims 2-9 and 13-17 should be allowable for at least the same reasons as amended independent claim 1 because they are dependent on amended independent claim 1. Claims 23 and 24 should also be allowable because these claims are directed to a system and computer product, respectively, for performing the method of claim 1, and thus should be identically allowable. In addition, claim 25 should be allowable for at least the same reasons as independent claim 24 because claim 25 is dependent on independent claim 24.

Independent claim 21 also claims associating a marketing attribute with the marketing object container, and as discussed, supra, Gever et al. fails to disclose this element and therefore Gever et al. does not anticipate independent claim 21.

Rejection Under 35 U.S.C. § 103

In paragraph 26, Examiner rejected claims 12 and 19 under 35 U.S.C. § 103(a) as being unpatentable over Gever et al.

Examiner claims that Gever et al. demonstrates all elements as applied in the rejection of dependent claim 9. Applicants respectfully disagree. As discussed above, Gever et al. fails to disclose all of the recited elements of amended independent claim 1 and therefore would fail to disclose all of the recited elements of dependent claim 9. Assuming arguendo that it was notoriously well-known to associate product literature with an advertisement and that it would have been obvious to a person having ordinary skill in the art at the time of the invention to associate product literature in Gever et al. by providing an authoring tool to hyperlink to literature about Gever et al., the combination of this assumption and Gever et al. still would not disclose, nor teach or suggest the claimed invention as recited in claim 12. Gever et al. does not

teach associating a marketing attribute with a marketing object container and as such fails to teach each and every element of the claimed invention.

Per dependent claim 19, assuming arguendo that it is implied in Gever et al. that a user approved an authoring object before displaying it on the user's web page, the combination of this inference and Gever et al. still would not disclose, nor teach or suggest the claimed invention as recited in claim 19 as discussed above.

In paragraph 29, Examiner rejected claims 18 and 20 under 35 U.S.C. § 103(a) as being unpatentable over Gever et al., in view of Tobin (U.S. Patent No. 6,141,666 A)

Examiner claims that Gever et al. demonstrates all elements as applied in the rejection of dependent claim 17. Applicants respectfully disagree. As discussed above, Gever et al. fails to disclose all of the recited elements of amended independent claim 1 and therefore would fail to disclose all of the recited elements of dependent claim 17. Assuming arguendo that Tobin explicitly demonstrates customizing a web site based on a referring partner, the combination of Gever et al. and Tobin does not disclose associating a marketing attribute with the marketing object container. In addition, neither Gever et al. nor Tobin individually or in combination teach or suggest associating a marketing attribute with the marketing object container. Therefore, the combination of Gever et al. and Tobin fails to teach or suggest all of the recited elements of dependent claim 18.

Per dependent claim 20, Examiner claims that Gever et al. demonstrates all elements as applied in the rejection of amended independent claim 1. Applicants respectfully disagree. As discussed above, Gever et al. fails to disclose all of the recited elements of amended independent claim 1. Assuming arguendo that Tobin explicitly demonstrates customizing a web site based on a referring partner, the combination of Gever et al. and Tobin does not disclose associating a

marketing attribute with the marketing object container. In addition, neither Gever et al. nor Tobin individually or in combination teach or suggest associating a marketing attribute with the marketing object container. Therefore, the combination of Gever et al and Tobin fails to teach or suggest all of the recited elements of dependent claim 20.

In paragraph 32, Examiner rejected claims 10 and 11 under 35 U.S.C. § 103(a) as being unpatentable over Gever et al., in view of Henson (U.S. Patent No. 6,167,383 B1).

Examiner claims that Gever et al. lacks an explicit recitation of associating a “cross-sell” and “up-sell” feature with its marketing objects and that Henson, on the other hand, demonstrates dynamically associating a banner object wherein an “up-sell” or “cross-sell” feature was associated with the object. Assuming arguendo that this is true, the combination of Gever et al. and Henson still lack associating a marketing attribute with the marketing object container, as recited in amended independent claim 1. In addition, Gever et al. and Henson, both individually or in combination, provide no teaching or suggestion for associating a marketing attribute with the marketing object container and therefore fails to teach all of the recited elements of claims 10-11.

In paragraph 34, Examiner rejected claim 22 under 35 U.S.C. § 103(a) as being unpatentable over Peckover (U.S. Patent No. 6,119,101 A) in view of Gever et al.

Independent claim 22 recites in part, displaying a number of campaigns that are available to associate with the marketing object container, each of said campaigns being associated with a plurality of offers compatible with the campaign; receiving a selection of a campaign to apply to the marketing object container. Examiner claims that “User selects market” 564—FIG. 31A in Peckover is equivalent to the above claim language. Examiner also claims that the term

“market” as described by Peckover meets the broadest reasonable interpretation of campaign, even though identical terminology was not employed. Applicants respectfully disagree.


The term “market,” as described by Peckover, is defined as various kinds of consumer demand (Column 14, lines 15-18). Conversely, in independent claim 22, campaigns refer to types of features of advertisements (e.g., cross sells, daily promotions, holiday promotions, monthly promotions, up sells and the like, see p 16, line 8 – p 17, line 22). These campaigns are not analogous to the term market as Examiner claims. Applicants respectfully submit that Applicants’ usage of campaign(s) differs so greatly from Peckover’s use of the term “market” that Examiner’s rejection is improper. Peckover fails to teach displaying a number of campaigns that are available to associate with the marketing object container and therefore the combination of Peckover and Gever et al. would not claim all of the limitations in independent claim 22.

Based on the foregoing remarks, Applicants believe that the rejections in the Office Action of July 3, 2002 are fully overcome and that the application is in condition for allowance. If the Examiner has any questions regarding the case, the Examiner is invited to contact Applicant’s undersigned representative at the number given below.

Respectfully submitted,

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MARKED UP CHANGES

1. (Thrice Amended) A method of providing an electronic marketing presentation, comprising:

displaying a marketing object container, said marketing object container including a [marketing] location for receiving at least one marketing object to be presented in said marketing container to a user of an interactive medium;

associating a marketing attribute with the marketing object container; and

selecting at least one marketing object for being associated with the marketing object container.

23. (Thrice Amended) A system of providing an electronic marketing presentation, comprising:

a processor configured to display a marketing object container, said marketing object container including a [marketing] location for receiving at least one marketing object to be presented by means of said marketing container to a user of an interactive medium; the processor also being configured to facilitate associating a marketing attribute with the marketing object container; and selecting at least one marketing object for being associated with the marketing object container; and

a memory coupled with the processor, the memory being configured to provide the processor with instructions.

24. (Thrice Amended) A computer program product for providing an electronic marketing presentation, comprising:

computer code displaying a marketing object container, said marketing object container including a [marketing] location for receiving at least one marketing object to be presented by means of said marketing container to a user of an interactive medium;

computer code associating a marketing attribute with the marketing object container; and
a computer readable medium that stores the computer codes.